

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X **Docket#**
UNITED STATES OF AMERICA, : 22-mj-01005 (RLM)
: :
: :
- versus - : U.S. Courthouse
: Brooklyn, New York
KARA STERNQUIST, : :
: September 29, 2022
Defendant : 11:17 a.m.
-----X

TRANSCRIPT OF CRIMINAL CAUSE FOR A BAIL APPLICATION
BEFORE THE HONORABLE RAMON E. REYES
UNITED STATES MAGISTRATE JUDGE

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1 THE CLERK: This is a Criminal Cause for a Bail
2 Application, *USA v. Kara Sternquist*. The case number is
3 22-1005-M.

4 May I have the parties state their name for the
5 record? Appearing for the government?

6 MR. BUFORD: Good morning, your Honor. Turner
7 Buford and Andy Palacio for the United States.

8 MR. PALACIO: Good morning.

9 THE CLERK: Thank you. Appearing for Ms.
10 Sternquist?

11 MR. KELLEHER: Good morning, your Honor.
12 Allegra Glashausser representing Ms. Sternquist. Ms.
13 Sternquist is on the line from the hospital.

14 THE CLERK: Thank you.

15 THE COURT: Good morning.

16 THE CLERK: And I'm sorry, lastly, may I have
17 the defendant state her name for the record? Kara, can
18 you --

19 THE DEFENDANT: Kara Sternquist.

20 THE CLERK: -- state your name for the record?
21 Unmute your devices.

22 THE COURT: She did. She just did.

23 THE CLERK: Oh, she did. All right. Okay.
24 Thank you. Okay, Judge.

25 THE COURT: This is your application, Ms.

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1 Glashausser, so go ahead.

2 MS. GLASHAUSSER: Thank you, your Honor. As
3 your Honor knows, Kara Sternquist is currently in the
4 hospital. She's been there for -- this is her third day
5 after seemingly receiving woefully inadequate medical
6 care while incarcerated at MDC.

7 I would be making this bail application in any
8 event but what has happened over the last week while Ms.
9 Stern is incarcerated at MDC I think make it more urgent
10 that your Honor grant this bail application. Ms.
11 Sternquist needs ongoing medical care that she cannot
12 receive at MDC and that she should receive in the
13 community.

14 We have a strong bond package that I think
15 addresses the issue that the government raises in their
16 letter. We have two suretors who have known Ms.
17 Sternquist for a long time. Also present in the audience
18 is Moira Meltzer-Cohen, a lawyer who is a member of our
19 bar in the Eastern District of New York and we're
20 proposing that Ms. Sternquist live with her, with Moira
21 Meltzer-Cohen and her partner at their apartment.

22 Ms. Sternquist is not a risk of flight or a
23 risk of danger. She is a long-term resident of New York
24 City. She was working the same job for approximately
25 seven years before her arrest. And there's no history of

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1 her fleeing or invading law enforcement. Particularly
2 given her medical condition right now, there's also not a
3 practical reality that Ms. Sternquist would even have the
4 ability to flee if she had the desire to, which she
5 doesn't.

6 Your Honor, I hesitate to go into her medical
7 condition on the record unless your Honor would like to
8 hear about it. But she has limited mobility in addition
9 to her emergency situation right now.

10 THE COURT: I would like to hear about the
11 limited mobility because that does impact in my mind any
12 potential risk of flight --

13 MS. GLASHAUSSE: Okay, your Honor. Yes, of
14 course.

15 THE COURT: -- because you've got to be able to
16 move to flee.

17 MS. GLASHAUSSE: Correct. So currently Ms.
18 Sternquist, my understanding is she cannot get out of her
19 bed. The records show that she is bedridden. I have
20 visited her. She is in an extreme amount of pain. I
21 don't believe she can even sit up. Before the current
22 emergency situation, she had partial paralysis in the
23 bottom half of her body after a spinal surgery in spring
24 of this year. She had a rare syndrome, the name is in my
25 letter, where for whatever reason the spinal nerve is

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1 compressed and can cause partial paralysis. She's unable
2 to do any of her toileting on her own. She wears diapers
3 and has a catheter. The catheter situation is what led
4 to her being in the emergency room currently. But even
5 when she is doing well, even aside of her current
6 emergency medical situation, it causes her extreme pain
7 and limited mobility. She believes she needs a
8 wheelchair really to get around. MDC assessed her as
9 needing a four wheeled walker to get around. Either way,
10 everyone agrees that her mobility is limited and it was
11 extremely -- she was very slow in moving and with pain.
12 We obviously don't know what will happen after her
13 hospital stay right now.

14 (High pitched sound in background)

15 THE COURT: I don't know what that is. I'm
16 sorry, I don't know what that is.

17 MS. GLASHAUSSER: Okay.

18 THE COURT: Never heard that before. Do we
19 still have everyone on the phone?

20 THE DEFENDANT: (Indiscernible) is here.

21 THE COURT: Okay. Thank you. I'm sorry.

22 MS. GLASHAUSSER: So she certainly isn't going
23 to be better after her current ER stay. What they're
24 dealing with now is whether there's permanent damage to
25 her genital area because of how the catheter was

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1 misplaced when MDC changed the catheter right before she
2 went to the emergency room. She's been having numerous
3 tests, more than one CT scan. I believe the sonogram is
4 the other type of test that they've been doing. And
5 they've been looking into this incredibly horrifying
6 sounding syndrome for gangrene which is a life-
7 threatening infection. So she is in a tremendously bad
8 medical situation right now. We don't know how long
9 she'll be at the hospital, how long the recovery will be,
10 but her mobility certainly won't be better than the
11 limited mobility she had before.

12 Additionally, shall be living with Moira
13 Meltzer-Cohen and her partner who is a nurse who
14 hopefully would be able to provide assistance at the home
15 as necessary. We are also in contact with the VA as Ms.
16 Sternquist is a veteran in the hope that they will also
17 be able to provide medical assistance going forward after
18 she is released from the hospital.

19 But especially given her current medical
20 condition, there really can be no risk of flight. She's
21 not going anywhere.

22 THE COURT: And there is no -- she's at
23 Brooklyn Hospital, correct?

24 MS. GLASHAUSSER: Right. Yes.

25 THE COURT: And they don't know how long she's

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1 going to be there?

2 MS. GLASHAUSSE: They don't know how long
3 she's going to be there. When she went first arrived,
4 they said she was admitted for a minimum of two nights.
5 We're now past that time and they haven't started
6 discussing discharge. She was moved out of the ER to a
7 room sometime yesterday. By yesterday evening she was in
8 a room. She's still in a room now. We have her hospital
9 records up till yesterday afternoon. Some of them were
10 submitted with a letter. They are still -- she is on a
11 huge number of medications that I just Googled to see
12 what they are, all to treat infections. The type of
13 words used in those records are things like massive
14 enlargement, rare -- excuse me, that's not from the
15 medical record. But what's happening is something they
16 are treating extremely seriously and they do not know
17 when she'll be released yet. The infection hasn't
18 stopped so right now it's still an emergency situation
19 and they don't know when she'll be released.

20 But what I think that the Court should be
21 thinking about is that it's important that she not be
22 released back to MDC which is how she got into the
23 hospital in the first place. And they are just not set
24 up to provide ongoing medical care.

25 Even before the emergency currently happening,

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1 she had a different type of catheter that needed to be
2 replaced regularly and because she wasn't seen by a
3 doctor for the first ten days of her stay, despite, I now
4 learned from the Court's deputy, despite two different
5 judges doing medical orders first at the initial
6 arraignment when I was not yet counsel and then again
7 when I became counsel. She didn't see a medical doctor
8 for ten days and that lapse of time is why the removal of
9 the first catheter caused the abrasion which then led to
10 the attempt to implant a different type of catheter that
11 was, as the records say, the balloon was expanded at the
12 wrong spot. It's extremely painful for Ms. Sternquist,
13 as I'm sure we all can imagine. Or really I want to say
14 I really can't imagine. She's in a tremendous amount of
15 pain.

16 THE COURT: Mr. Buford, do you want to respond?

17 MR. BUFORD: Yes, your Honor. To be clear, our
18 concern is not that the defendant is a risk of flight or
19 a danger while she's hospitalized. Obviously those
20 concerns are mitigated given her present situation.
21 However, we do think when the defendant does recover
22 there is significant risk of flight and danger to the
23 community.

24 As we pointed out in our papers, the defendant
25 has shown, not just in this case but throughout her

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1 criminal history, that she has an ability to generate
2 false identification documents. In this case,
3 identification documents to perform fraudulent law
4 enforcement credentials and not just a limited number,
5 dozens of fraudulent law enforcement credentials across a
6 variety of federal agencies that were stockpiled in her
7 apartment.

8 It's my understanding from the agent is that
9 when Ms. Sternquist was arrested she had in her
10 possession a New York State driver's license for which
11 there is no corresponding legitimate client ID, meaning
12 in all likelihood she had a fake ID on her person at the
13 time that she was arrested.

14 She's also shown a propensity to use aliases
15 not just in this case, buying firearms related equipment
16 online using another name, but also creating at least one
17 fraudulent law enforcement credential that had her
18 picture but another name on it. Again, this is
19 consistent with her prior history where she has two
20 previous convictions for making fraudulent identification
21 documents.

22 The concern is given her ability to acquire
23 these types of implements that she could change her
24 identity on relatively short notice and flee. There
25 s also concern, judge, and this is sort of the more acute

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1 one from our standpoint, relating to the firearms. When
2 the agents went into her apartment, they found over ten
3 guns in the process of being constructed and what
4 appeared to be a sort of workspace where those guns were
5 being assembled. At least four of those guns appeared to
6 be fully created, two pistols and two rifles that from
7 the agents' evaluation are fully automatic. Those are
8 about as dangerous a gun as you can have. And with
9 fraudulent law enforcement credentials and a weapon like
10 that, you'd have the ability to get into very sensitive
11 places and hurt a lot of people very quickly. That gives
12 us a great deal of concern.

13 Even if the defendant were not herself
14 intending to use those weapons, if she were just making
15 them for other people or transferring them, that alone
16 would be a significant danger to the community.

17 It's our understanding from the agents in its
18 early days that they had begun a search of the
19 defendant's cell phone, the one she had on her person,
20 and they observed pictures of firearms that they do not
21 believe they have recovered from the apartment which
22 raises the question of where are those guns?

23 And again, given the defendant's ability to use
24 other identities and her ability to make identification
25 documents, we're not sure what other property or stashes

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1 the defendant may have.

2 With respect to the mobility, your Honor, our
3 understanding is the underlying conditions arise from the
4 surgery in March of 2022. Since that time, the
5 defendant, as we say in the complaint, has continued to
6 acquire these identifications and these guns. So the
7 mobility does not prohibit her from engaging in this kind
8 of conduct. We also understand that she lived in a two-
9 story apartment at a building that has at least three or
10 four stairs you have to go up to get into and was
11 commuting regularly to her job some distance away from
12 where she resided.

13 So again, we're concerned that when she returns
14 to her previous state of health that she would be in a
15 position -- and again, our view is you don't need a lot
16 of time given the weapons that are involved here, to
17 cause a great deal of damage in a short amount of time.

18 The other thing we'll say, Judge, is we have
19 spoken to the suretors. We don't have any concerns about
20 them being financially responsible or having moral
21 suasion over the defendant. The one thing we would raise
22 is when we asked them whether they had visited the
23 defendant at the apartment where she was residing at the
24 invitation of defense counsel they declined to answer the
25 question. That raises a little bit of a concern for us

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1 in the sense that it's our understanding that going
2 forward it's likely to be a contested issue in this case
3 whether the defendant actually resides at the apartment.
4 Even that fact may be in dispute by counsel in which case
5 these two suretors may have information that would make
6 them potential witnesses down the road as to what
7 occurred. Again, it's not necessarily disqualifying.
8 It's just we're in the early days and we don't know what
9 information they might have that could be relevant to the
10 case. And it's the only concern we have about the
11 suretors, your Honor.

12 But taking a giant step back, we don't come to
13 the position we're taking here lightly. We just think
14 given the weapons, given the fraudulent identification,
15 the risk is too great and that's why we're recommending
16 detention.

17 THE COURT: All of those fraudulent
18 identifications, weapons, et cetera were seized, correct?

19 MR. BUFORD: The ones we know about, your
20 Honor.

21 THE COURT: What about computers and electronic
22 devices?

23 MR. BUFORD: There were multiple computers that
24 were seized inside the apartment including multiple cell
25 phones including the one that was seized from the

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1 defendant's person. As I say, your Honor, those are
2 being processed and the review has begun but it's early
3 days for that. I don't have sort of concrete specifics
4 to put before the Court on that.

5 THE COURT: Okay. And the only concern about
6 the proposed sureties is them being potential witnesses?

7 MR. BUFORD: Yes, your Honor.

8 THE COURT: Ms. Meltzer-Cohen lives --
9 physically tell me where it is and --

10 MS. GLASHAUSSER: Brooklyn.

11 THE COURT: Walk up? Elevator building?

12 MS. GLASHAUSSER: I believe there is one set of
13 stairs to get to the apartment so Moira Meltzer-Cohen and
14 her partner would help Ms. Sternquist get up the stairs
15 and she would then remain in the apartment.

16 THE COURT: No objection to electronic
17 monitoring, home detention, home incarceration, whatever
18 you want to call it?

19 MS. GLASHAUSSER: No, your Honor, so long as
20 she can get to particularly her medical appointments. I
21 believe those are carved out from any sort of home
22 detention provision but I'm not sure. I believe she
23 would have extensive medical needs obviously.

24 THE COURT: No objection to one cell phone with
25 monitoring by Pretrial Services?

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1 MS. GLASHAUSSEER: No, your Honor.

2 THE COURT: What about Ms. Meltzer-Cohen being
3 a third-party custodian?

4 MS. GLASHAUSSEER: I have not discussed that
5 with Moira Meltzer-Cohen. I could take a pause and do
6 so. However, Moira Meltzer-Cohen is an officer of the
7 Court so in some sense -- I've never actually proposed a
8 lawyer as a suretor. I think that --

9 THE COURT: I don't know that -- there's no
10 obligation as an officer of the Court -- is there an
11 obligation on attorneys to report to a court when they
12 see someone violating the terms of their bond?

13 MS. GLASHAUSSEER: No, your Honor, but there
14 would be I believe an ethical obligation not to in any
15 way assist with any sort of ongoing criminal activity
16 which I think would cover what we're talking about.
17 Obviously none of us are concerned that that will happen,
18 but attorneys do have -- I can't cite the ethical rules
19 right now but there is that sort of obligation that we
20 all have as lawyers.

21 THE COURT: Yes, there's an obligation
22 certainly not to engage in criminal activity or assist
23 someone to do that but --

24 MS. GLASHAUSSEER: Or facilitate it.

25 THE COURT: Or facilitate it. But observing

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1 criminal activity or a violation of a bond, I don't know
2 that there is an obligation of an attorney to report
3 that. So that's the obligation of a third-party
4 custodian. If you see someone who you are a custodian of
5 violating the terms of their release which includes
6 engaging in further criminal activity, you have an
7 obligation to report that to the Court and if you don't,
8 you can be held in contempt. So it goes beyond I believe
9 ordinary obligations, ethical obligations, of an
10 attorney.

11 Here's where I'm headed, Mr. Buford. I don't
12 discount at all the seriousness of the charges that Ms.
13 Sternquist faces. And I don't discount the strength of
14 the government's case at this point. Given her current
15 medical condition and with appropriate conditions
16 including the two proposed sureties, Ms. Meltzer-Cohen as
17 a third-party custodian, residents with Ms. Meltzer-Cohen
18 and her partner, and no access to anything other than one
19 cell phone that is monitored by Pretrial along with the
20 other home incarceration and the other normal conditions
21 that we put on bonds, I think that guards against any
22 risk of flight and any danger to the community.

23 My only hesitance is I don't know enough about
24 the current medical condition and when that will be
25 resolved, if ever. And I'm a little hesitant because

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1 there is some dispute as to the extent of the lack of
2 mobility. That's my only hesitance.

3 MR. BUFORD: Your Honor, we can only speak to
4 what we observed and can deduce prior to the arrest. My
5 understanding from the agents is that they did not
6 recover a wheelchair from the apartment. And again, our
7 understanding is that while the apartment is on the first
8 floor, to enter the building you have to go up three or
9 four stairs and that once you're inside the apartment,
10 there's another staircase that goes to a downstairs
11 section of the apartment all of which we have every
12 reason to believe the defendant was able to navigate
13 prior to her current medical situation.

14 In addition, it's our understanding from
15 speaking with the defendants employer that she was
16 working full time at their location which I think is on
17 118th Street. The apartment is in Hell's Kitchen,
18 meaning that the defendant was commuting there regularly
19 again prior to the arrest.

20 Our view is that with that mobility and this
21 kind of fire power, the defendant could be a danger to
22 the community. Whether that mobility will return, we
23 can't say.

24 THE COURT: Is there anything, and I apologize
25 if I missed it, but is there anything in the medical

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1 records from Brooklyn Hospital that substantiates the
2 mobility or lack thereof?

3 MS. GLASHAUSSEER: I am not sure exactly. I
4 know that there was a notation about that she was
5 confined to her bed currently. I personally saw her
6 there and --

7 THE COURT: With leg irons or whatever to the
8 bed? Or was it handcuffed?

9 MS. GLASHAUSSEER: Sure, with leg irons but she
10 really couldn't move. I mean she was speaking clearly
11 with pain. She wasn't really moving at all. But I'm not
12 sure, when your Honor says the current medical condition,
13 there's the medical condition that began in March of
14 2022. That is documented in both the BOP records and the
15 current hospitalization records. And that's what causes
16 the partial paralysis in her lower half. There's no
17 indication that that will improve. So that was her
18 status before she was currently hospitalized where she
19 had been given the four wheeled walker or had been -- I
20 don't think she got it yet but was assessed to get a four
21 wheeled walker by MDC, that's in the BOP records I
22 submitted, to assist her in moving.

23 THE COURT: Those were submitted to Judge
24 Bulsara?

25 MS. GLASHAUSSEER: No, to you, your Honor. That

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1 was on -- so in my letter that was submitted last --

2 (High pitched sound in background)

3 THE CLERK: I don't know why that happened,
4 Judge.

5 THE COURT: It happened, that's the second
6 time.

7 MS. GLASHAUSSEER: In the letter I submitted
8 last night, there's the excerpt from the BOP records is
9 immediately following the letter.

10 THE COURT: Yes, I see that. But show me
11 specifically.

12 MS. GLASHAUSSEER: Yes, page 3 at the top it
13 says new non-medication order, walker, four wheeled.

14 THE COURT: I see. Okay.

15 MS. GLASHAUSSEER: So it's correct that they
16 didn't believe she needed a wheelchair. I don't think
17 that point is significant. Everyone agrees that she has
18 limited mobility whether it's with a walker or -- you
19 know, frankly I think a wheelchair versus a walker for
20 people with limited mobility is just something of a
21 personal preference for how you feel comfortable moving
22 around. She's not completely unable to walk. That's not
23 what I am representing. She walks with difficulty and
24 slowly.

25 And the conditions that your Honor is proposing

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1 address any risk of flight whether she can walk very
2 slowly or not. I do believe also that Moira
3 Meltzer-Cohen is willing to be a third-party custodian
4 having heard your Honor explain it in the context of your
5 Honor's explanation just now.

6 I also just would note that the government is
7 agreeing that she's not currently a risk of flight or a
8 risk of danger which I think means that she has to be
9 released. The question of risk of flight or risk of
10 danger isn't whether at some future point the government
11 might be able to come back with a different presentation
12 showing circumstances have changed. She's not currently
13 such a risk. There's no indication that even under the
14 government's view she would become a risk at any point in
15 the near future, so she should be released.

16 MR. BUFORD: Your Honor, to be clear, we think
17 it's unlikely she's going to escape from the hospital or
18 in her current condition walk out of the hospital anytime
19 soon. But once she's discharged and presumably back at
20 whatever level of mobility she had before she got there,
21 we do think that's a concern.

22 THE COURT: And you think it's a concern that
23 no conditions or combinations of conditions can
24 alleviate?

25 MR. BUFORD: Your Honor, given the severity of

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1 the risk, even if there is a low chance of something bad
2 happening, with these kinds of guns, we're reluctant to
3 consent to release under any conditions, your Honor.

4 (Pause in proceedings)

5 THE COURT: Okay. Here's what we're going to
6 do. Ms. Sternquist's medical condition in my mind
7 impacts the decision on whether to release her on a bond.
8 The more precarious that medical condition and how it
9 affects her mobility whether because of the disc problem
10 or other things, and we don't know how that medical
11 condition is going to improve over time and she is
12 currently not in MDC, and she's being cared for by the
13 good people at Brooklyn Hospital -- if it does not
14 improve mobility wise, I think at the point of when she's
15 going to be discharged from Brooklyn Hospital she would
16 be a good candidate for release under stringent terms
17 including home incarceration with Ms. Meltzer-Cohen at
18 her apartment as a third-party custodian, a substantial
19 bond amount and other conditions that Pretrial would
20 recommend.

21 So I'm going to currently deny the request.
22 You may consider this punting if you will, but I think we
23 need to see how Ms. Sternquist's condition improves if at
24 all. If it improves to the point where she is walking
25 without the need for assistance of a rollator or a

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1 wheelchair or whatever, that may change the calculation.

2 MS. GLASHAUSSE: Your Honor, respectfully, may
3 I speak for a moment?

4 THE COURT: Sure.

5 MS. GLASHAUSSE: I think that the medical
6 condition may have gotten confused between the one that
7 is ongoing and nobody expects to improve which is what
8 she got the four wheeled walker for. That predated the
9 issue with respect to the catheter being misplaced. And
10 she is currently shackled to a bed. So I just don't
11 think it's right to discount that she is currently
12 incarcerated, she is shackled to a bed, she is being
13 guarded at all times. We are unable to speak on the
14 phone and she is unable to access her doctors who she has
15 been working with since the spring of this year with
16 respect to her underlying spinal cord injury. So she is
17 greatly impacted by being incarcerated right now.

18 And the government agree is that right now
19 there is no risk of flight or risk of danger. So under
20 the Bail Reform Act, especially as it is the government's
21 burden here to show that she needs to be detained, when
22 they are agreeing that she is not a risk right now and
23 your Honor believes that even if she is released from the
24 hospital so long as her underlying medical condition
25 hasn't improved, which nobody expects it to, that she

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1 could be released under these stringent conditions. I
2 would urge your Honor to release her now because the
3 government has not met their burden and because just as a
4 practical matter, I don't know how much advance notice I
5 will receive when she is to be released and going back to
6 MDC. Because she is incarcerated, I do not have -- she
7 can't pick up the phone and call me. For the past three
8 days we have been able to have somebody go to the
9 hospital and visit with her. That's not something
10 obviously we can keep up for the long term as her
11 suretors cannot visit her. It's just me and our
12 paralegal. I am happy too that she is at the hospital
13 and not at MDC, but that is not the same as being
14 released.

15 I think that the conditions your Honor outlined
16 address all of the government's concerns which are mostly
17 speculative. They said something about a low chance of
18 something happening. They are talking about they don't
19 know if there are other things at other places. Those
20 are not things that incarcerate people. We incarcerate
21 people based on history and facts. Ms. Sternquist has
22 absolutely no history of violence. There's nothing in
23 her record or background indicating that she has any
24 violent history. So in that context, the government just
25 hasn't met their burden here.

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1 MR. BUFORD: Your Honor, the defendant was
2 essentially Court at her apartment manufacturing ghost
3 guns. And not just pistols, fully automatic rifles and
4 more than one. Again, even if the defendant with no
5 prior history of violence wasn't herself planning to use
6 these weapons, having them in circulation, creating them
7 is a risk to the community. This isn't a situation in
8 which the defendant was found to have a pistol or
9 something like that on her person which even under the
10 circumstances would still be a crime. These are multiple
11 very dangerous weapons that were found in her possession
12 along with the fraudulent law enforcement conditions that
13 bear her picture. To say that those facts create a
14 speculative risk of danger to the community is not right,
15 Judge. There is a risk of danger to the community based
16 on those facts alone.

17 And when you consider the fact that the
18 defendant does have a history of using aliases and other
19 identities, it's reasonable to wonder whether there are
20 other places we don't know about especially when the
21 agents have looked at her phone and seen guns that were
22 not recovered inside the apartment.

23 MS. GLASHAUSSER: If I may just respond to this
24 concept that -- so these guns were not recovered from Ms.
25 Sternquist. I just want that fact to be clear. And the

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1 government is asserting that it is her apartment, but
2 that is a fact that we do not know whether or not it is
3 true.

4 MR. BUFORD: Your Honor --

5 MS. GLASHAUSSEER: The conditions that your
6 Honor is imposing address the very thing that the
7 government is talking about, things at a prior or a
8 different apartment in Manhattan with Ms. Sternquist
9 living with Moira Meltzer-Cohen in a totally separate
10 apartment and with --

11 (High pitched sound in background)

12 THE COURT: What is that? What is that?

13 THE CLERK: I'll call the computer people
14 later. I don't know. But it's still recording, Judge.

15 THE COURT: Okay. Good.

16 THE CLERK: And I need the people on the phone
17 to mute your devices. There is an ongoing proceeding
18 right now, so mute your devices. Thank you.

19 MS. GLASHAUSSEER: With the third-party
20 custodian, with the monitoring of the one cell phone,
21 there is no realistic risk of any of the conduct that the
22 government is alleging happened in the past continuing if
23 Ms. Sternquist is released. And that's what we're
24 looking at as far as bond, a reasonable risk.

25 MR. BUFORD: Your Honor, I would just note that

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1 the Pretrial report indicates Ms. Sternquist says she
2 lived at that apartment by herself for seven years. And
3 it's her picture on the PIV cards which we included in
4 our memo, your Honor. The idea that this was happening
5 at someone else's doing and she just didn't know about it
6 is not backed up by the evidence.

7 THE COURT: Okay.

8 MS. GLASHAUSSE: Your Honor, I also note we
9 have the suretors present on the phone and Moira
10 Meltzer-Cohen present here. I don't think this is the
11 correct outcome, but I do think your Honor could also
12 order that she be released while she is in the hospital,
13 have the suretors -- have your Honor do the colloquy with
14 the suretors, have that all set up, and ask for a further
15 report on her medical condition when her discharge is
16 occurring.

17 THE COURT: Can you give me a bond please,
18 Sui-May?

19 THE CLERK: Sure, Judge. Here you go.

20 (Pause in proceedings)

21 MR. BUFORD: Your Honor, I'm sorry to
22 interrupt. If the Court would permit, I was due before
23 Judge Donnelly at 11:30. She knew that I was in an
24 ongoing proceeding, but I might ask Mr. Palacio to cover
25 for me at that proceeding if that's okay?

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1 THE COURT: Okay. All right. I have changed
2 my mind. I'm prepared to release Ms. Sternquist on a
3 \$500,000 bond with two sureties and a third-party
4 custodian, travel restrictions to New York City, Pretrial
5 Services supervision, random home visits, reporting to
6 Pretrial as directed either in person or by telephone,
7 home incarceration with electronic monitoring, residence
8 with third-party custodian Moira Meltzer-Cohen, and
9 possession of only one cell phone with monitoring by
10 Pretrial Services.

11 PRETRIAL OFFICER: Your Honor, Pretrial asks
12 that with the technology restriction, you give Pretrial
13 permission to inspect any computer router and devices
14 with internet access belonging to the defendant or in the
15 defendant's home.

16 THE COURT: That would be in the home of the
17 third-party custodian.

18 MS. GLASHAUSSER: Your Honor, I would ask -- in
19 other cases that I have, the other residents of the home
20 have in the past made sure all of their devices are
21 password protected and do not provide access to the
22 client so that -- particularly in the case of a lawyer I
23 think it would be problematic to have Pretrial have
24 access to the devices themselves.

25 PRETRIAL OFFICER: But that's what Pretrial

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1 needs, just inspecting to make sure that there are pass
2 codes on the devices.

3 MS. GLASHAUSSEER: Okay. Understood. I
4 misunderstood.

5 THE COURT: No place to put this. I'm just
6 going to put, it's on the record, but I'm going to put on
7 the bond Pretrial Services to inspect routers, et cetera,
8 to ensure that there are pass codes.

9 Now I have a question. Ms. Glashausser, did
10 you intend for Ms. Meltzer-Cohen to be a surety as well
11 as a -- well, I threw third-party custodian out there
12 but --

13 MS. GLASHAUSSEER: I did not, your Honor. And I
14 believe the third party custodian document is separate
15 than --

16 THE COURT: Yes.

17 MS. GLASHAUSSEER: -- the surety document.

18 THE COURT: Is Ms. Pace on the line?

19 MS. PACE: I am, your Honor.

20 THE COURT: I need to ask you some questions
21 and your answers must be made under oath.

22 M S. P A C E,

23 called as a witness, having been first duly sworn,
24 was examined and testified as follows:

25 THE COURT: It's been indicated to me that you

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1 are Ms. Sternquist's ex-wife and close friend, correct?

2 MS. PACE: That is correct, your Honor.

3 THE COURT: And you are currently employed and
4 make about 150,000 a year?

5 MS. PACE: Yes. Sometimes more than that
6 because sometimes I do part-time jobs, but at least that,
7 yes.

8 THE COURT: Okay. And you have known Ms.
9 Sternquist for eight years?

10 MS. PACE: Yes. Since March 17, 2014.

11 THE COURT: Okay. And Ms. Glashausser
12 explained to you what it means to sign a bond?

13 MS. PACE: Yes, she did.

14 THE COURT: And do you want to sign this bond?

15 MS. PACE: Yes, I do, your Honor.

16 THE COURT: Do you give me authority to sign it
17 on your behalf?

18 MS. PACE: I do give you authority to sign it
19 on my behalf, your Honor.

20 THE COURT: Okay. Ms. Simpson, are you on the
21 line?

22 MS. SIMPSON: Yes. I just unmuted, your Honor.

23 THE COURT: Okay.

24 M S. S I M P S O N,

25 called as a witness, having been first duly sworn,

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1 was examined and testified as follows:

2 THE COURT: You are a close friend of Ms.
3 Sternquist?

4 MS. SIMPSON: Yes, your Honor.

5 THE COURT: You've known her for about six
6 years. Is that correct?

7 MS. SIMPSON: Yes.

8 THE COURT: And you are a patient care
9 technician at Holy Name in Teaneck, New Jersey and you
10 you also side jobs?

11 MS. SIMPSON: Yes.

12 THE COURT: You make about \$1,200 a month in
13 that patient care job?

14 MS. SIMPSON: Yes. Also with the other side
15 things as well, yes, your Honor.

16 THE COURT: Okay. Ms. Glashausser explained
17 what it means to sign a bond to you?

18 MS. SIMPSON: Yes, she did, your Honor.

19 THE COURT: And do you want to sign this bond?

20 MS. SIMPSON: Yes, I do.

21 THE COURT: And do you give me the authority to
22 sign the bond on your behalf?

23 MS. SIMPSON: I give you and Ms. Glashausser
24 the authority.

25 THE COURT: Ms. Sternquist, are you there?

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1 THE DEFENDANT: Yes, I am, your Honor.

2 THE COURT: Okay. Ms. Sternquist, I am
3 prepared to release you on a \$500,000 bond signed by Ms.
4 Pace and Ms. Simpson. Your travel will be restricted to
5 New York City. You are going to be placed under Pretrial
6 Services supervision with reporting as directed by
7 Pretrial and subject to random visits at the residence.
8 You will be under home incarceration residing with Ms.
9 Meltzer-Cohen. You cannot leave the home at any time
10 except for attorneys visits, court appearances, and
11 necessary medical appointments. You will only be
12 permitted to possess one cell phone that will be
13 monitored by Pretrial Services and Pretrial will inspect
14 the other electronic devices in the residence to make
15 sure that they are protected by passwords. And you
16 cannot use those other electronic devices. Do you
17 understand that?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Okay. I'm going to give you three
20 additional warnings that you need to know about. If you
21 violate any federal, state, or local law when you're
22 released, that's a violation of your bond. So you could
23 be detained on these charges until your trial plus face
24 charges for any crimes you may commit.

25 If you fail to come to Court when you're

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1 supposed to, that is a violation of the bond so you can
2 be detained plus face a charge of bail jumping. And if
3 you are convicted of the underlying charges and bail
4 jumping, your sentences could be served consecutively one
5 after the other. So you must come to court when you're
6 supposed to.

7 And if you attempt to influence the testimony
8 of any witness that may appear against you in your case,
9 that's a violation of the bond. So you can be detained
10 plus face charges of witness tampering. And if you're
11 convicted of the underlying charges and witness
12 tampering, your sentences could be served consecutively.
13 Do you understand?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: Ms. Sternquist do you give me the
16 authority to sign the bond for you?

17 THE DEFENDANT: I do, your Honor.

18 THE COURT: Okay.

19 MR. BUFORD: Your Honor, if we could make one
20 additional -- ask the Court to inquire of the suretors
21 one additional thing for Ms. Pace?

22 THE COURT: Yes.

23 MR. BUFORD: There's an NYPD record that Ms.
24 Sternquist made a complaint to NYPD I think in October of
25 2019 regarding Ms. Pace. Again, there's no I think

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1 arrest or anything like that. I just want to make sure
2 everyone's comfortable with that additional information.

3 THE COURT: Ms. Pace, are you aware that Ms.
4 Sternquist made a complaint against you with the New York
5 City Police Department in October of 2019 was it?

6 MR. BUFORD: Yes, your Honor.

7 THE COURT: Are you aware of that?

8 MS. PACE: I don't remember, I don't remember.
9 I can't say. I honestly don't remember.

10 THE COURT: You don't remember?

11 MS. PACE: I don't. I don't remember anything.
12 I can't say honestly one way or the other.

13 THE COURT: Mr. Buford, what was that complaint
14 about?

15 MR. BUFORD: Harassment, your Honor.

16 THE COURT: Would the fact that Ms. Sternquist
17 made a complaint against you to the New York City Police
18 Department about harassment cause you to reconsider
19 whether you want to be a surety?

20 MS. PACE: No, not at all. You know, we had
21 some crisis, you know, when we were married I guess just
22 like any other couple does, but I have no idea. No, it
23 doesn't impact anything.

24 THE COURT: Okay. Thank you. Is there
25 anything else?

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1 MR. BUFORD: No, your Honor. If the Court
2 would consider a very brief stay of two hours so we may
3 consult with the office about the possibility of an
4 appeal, we'd appreciate it.

5 THE COURT: That's fine. The order setting
6 conditions of release and appearance on bond will be
7 stayed for two hours. It is now 12:11 p.m. on September
8 29, 2022. All right.

9 MR. BUFORD: Thank you, Judge.

10 THE COURT: Thank you, everyone. We're
11 adjourned.

12 MS. GLASHAUSSE: Thank you, your Honor.

13 THE COURT: Oh, I need the third party's
14 custodian form.

15 THE CLERK: I think that will be you guys. I
16 don't think I have it. Do I have it? They don't usually
17 come to me. We'll get one. Do you have it? I don't
18 have it here. Third party custodian.

19 THE COURT: Are we still on the record or no?

20 THE CLERK: We are, Judge.

21 THE COURT: Okay. Ms. Meltzer-Cohen, can you
22 come up to the podium, please?

23 MS. MELTZER-COHEN: Good afternoon, your Honor.

24 THE COURT: Good afternoon. I'm going to ask
25 you a couple of questions.

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1 MS. MELTZER-COHEN: Sure.

2 M O I R A M E L T Z E R - C O H E N,

3 called as a witness, having been first duly sworn,

4 was examined and testified as follows:

5 THE COURT: You heard the proceedings. I saw
6 you in court, you were paying attention. Yes?

7 MS. MELTZER-COHEN: Yes.

8 THE COURT: Okay. We had a discussion on being
9 a third-party custodian which is someone who affirms to
10 the Court after signing a third-party custodian form that
11 they will report to the Court and Pretrial Services if
12 the defendant violates the terms and conditions of the
13 bond.

14 MS. MELTZER-COHEN: That's right.

15 THE COURT: And if you do not, you will be
16 subject to a contempt proceeding. Do you understand
17 that?

18 MS. MELTZER-COHEN: Oh, I do.

19 THE COURT: And you are agreeing, based on what
20 Ms. Glashausser said, to have Ms. Sternquist live with
21 you and your partner, yes?

22 MS. MELTZER-COHEN: I am.

23 THE COURT: And are you willing to be --

24 MS. MELTZER-COHEN: As is my partner.

25 THE COURT: Are you willing to be a third-party

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1 custodian?

2 MS. MELTZER-COHEN: I am. I can still go to
3 work though, right?

4 THE COURT: Of course.

5 MS. MELTZER-COHEN: Okay.

6 THE COURT: Of course. But as we indicated,
7 Pretrial Services is going to be able to inspect routers,
8 computers, and other things to make sure that they are
9 all password protected. You are not permitted to give
10 Ms. Sternquist the passwords or use any of those devices.
11 She will have only one cell phone that is going to be
12 monitored by Pretrial. And you have to make sure that
13 that all happens.

14 MS. MELTZER-COHEN: That's fine.

15 THE COURT: Okay. Now what I'm going to ask
16 you to do is -- we don't have a third-party custodian
17 form.

18 THE CLERK: I told Melanie to email me right
19 now.

20 THE COURT: Oh, okay.

21 THE CLERK: We haven't used this courtroom for
22 a while, so --

23 THE COURT: That's okay.

24 THE CLERK: I don't know where the forms are
25 anymore.

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1 THE COURT: That's all right.

2 THE CLERK: But one's coming.

3 THE COURT: Okay. So we're going to give you
4 the third party custodian form. Please read it, fill it
5 out and sign it. I actually don't think there's anything
6 for you to fill out. Sign it and then Pretrial will
7 countersign it. And I don't know if you're going to give
8 Ms. Meltzer-Cohen any further instructions but that's
9 what we'll do. Okay?

10 MS. MELTZER-COHEN: That's fine. Is Pretrial
11 going to come by today to my house?

12 MS. GLASHAUSSER: I think we'll do it right now
13 right after the proceeding is done. You'll meet with
14 Pretrial.

15 THE COURT: Yes. You'll meet with Pretrial
16 afterwards and they'll explain everything.

17 MS. MELTZER-COHEN: Okay.

18 THE COURT: All right?

19 THE CLERK: Actually, she can probably go there
20 and fill one out because I don't need the form. It's for
21 your record.

22 PRETRIAL OFFICER: Yeah, just for us.

23 THE CLERK: Right. It's for them.

24 THE COURT: Okay. All right. Great. Thank
25 you.

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1 THE CLERK: Thank you.

2 MS. GLASHAUSSEER: Your Honor, can I just ask
3 logistically during this two-hour period whether the bond
4 could be sent to the marshals? Because I know they have
5 a long process to review. They do a whole check before
6 they actually release. Could it be after the Court
7 grants it? I'm just hoping that process could begin.
8 She's in the hospital, right?

9 THE COURT: The practical effect is when are
10 the handcuffs going to come off, right? And the guard go
11 home.

12 MS. GLASHAUSSEER: Right. Right.

13 THE COURT: And that could have been in a
14 matter of --

15 MS. GLASHAUSSEER: I just wanted to --

16 THE COURT: My concern is that if we start the
17 process now and it gets done and they call the guard and
18 say leave and take the cuffs off and then Mr. Buford is
19 in front of the Part 1 judge appealing and they reverse
20 this and they're just going to have to send somebody
21 back. So --

22 MS. GLASHAUSSEER: I guess maybe I'll check with
23 the deputy about the logistics of getting the bond to the
24 right folks at the right time so it can all --

25 MR. BUFORD: I don't know how this plays out

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1 but my understanding is that logistically at the hospital
2 right now it's actually BOP personnel that are guarding
3 her as opposed to the marshals. So again, I don't know
4 how that affects the process.

5 MS. GLASHAUSSER: Okay. I guess I'll reach out
6 at 2:11.

7 THE CLERK: 2 o'clock, right? Fine. I have a
8 2 o'clock proceeding though.

9 THE COURT: Okay.

10 THE CLERK: Oh, email, right?

11 MR. BUFORD: Yeah. I think we would put a
12 letter on the record and appeal to the miscellaneous
13 district judge if we elect to do that.

14 THE CLERK: Okay. And I don't know who that
15 is.

16 MR. BUFORD: Judge Komitee I believe.

17 THE CLERK: You can inquire to the clerk's
18 office. Okay? Okey doke. We're good.

19 MR. BUFORD: Thank you, your Honor.

20 MS. GLASHAUSSER: Thank you, your Honor.

21 THE CLERK: Thank you. All right.

22 (Matter concluded)

23 -oOo-

24

25

C E R T I F I C A T E

I, MARY GRECO, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 29th day of September, 2022.



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